

REMARKS**Objection to Specification**

Trademarks appearing paragraphs 18, 22, 40 and 42 have been capitalized and accompanied by generic terminology. No new matter is added.

Claim Rejections – 35 USC § 112

Claims 10, 13 and 16 have been amended to remove trademarks as claim limitations. BLUETOOTH® is a short-range peer-to-peer wireless protocol. Therefore, in claims 10 and 13 the generic terminology “peer-to-peer” has replaced the trademark BLUETOOTH®. In claim 16 trademarks have been deleted. No new matter is added.

Claim Rejections – 35 USC § 103**Claim 1**

Claim 1 has been amended to clarify the differences between the present invention and the cited references. No new matter is added.

A primary aspect of the present invention comprises a light source and a photodetector within a finger-mounted module. The light source typically includes light-emitting diodes that generate both red ($\lambda \sim 630\text{nm}$) and infrared ($\lambda \sim 900\text{nm}$) radiation. As the heart pumps blood through a patient's finger, blood cells absorb and transmit varying amounts of the red and infrared radiation depending on how much oxygen binds to the cells' hemoglobin. The photodetector detects transmission at the red and infrared wavelengths, and in response generates a radiation-induced current that travels through a cable to a pulse-oximetry circuit embedded within the wrist-worn module.

Claim 1 has been amended to clarify that the optical source generates both red and infrared radiation and that the optical detector is sensitive to transmitted light. Khair (US 6,538,729), on its own or in combination with Kawaguchi (US 6,814,705), does not



disclose an optical source operating at more than one wavelength nor does either reference disclose a transmission detector.

Claims 2 – 19

Claims 2 - 19 incorporate the limitations of claim 1 by reason of dependency and thus distinguish over the cited references for at least the same reasons as set forth with respect to claim 1.

Further, in regard to the rejection of claim 3, the proposed combination of Khair, Kawaguchi and Miu (US 6,700,174) does not support a prima facie case of obviousness because there is no reasonable expectation of success of the combination. Miu describes a gas pressure sensor. Khair's hold down pressure sensor measures contact pressure between solid objects.

Claims 4 and 5

Claims 4 and 5 have been amended for clarification. No new matter is added.

Claim 20

Claim 20 has been added to clarify the differences between the present invention and the cited references. No new matter is added.

Conclusion

Applicant thanks the examiner for the thoroughness of her Official Action. Applicant believes the foregoing amendments and remarks cure the rejection of Claims 1 – 19 and place the application in condition for allowance.

Sincerely,

Morrison Ulman.

Morrison Ulman
Registration Number 55,691

Woodside IP Group
1900 Embarcadero Road, Suite 209
Palo Alto, CA 94303-3327
(650) 867-0023